

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

CONSOLIDATED COMMERCIAL CONTROLS, INC.)	CASE NO. 1:08-cv-04388
)	Honorable Virginia M. Kendall
Plaintiff,)	
)	
v.)	
)	
5 STAR SUPPLY LLC, et al.)	
)	
Defendants.)	
)	

**DEFENDANTS' MOTION TO DISMISS
DUE TO LACK OF PERSONAL JURISDICTION**

Defendants 5 Star Supply LLC, 5 Star Management Group, LLC, Linda A. Williams, Clifford G. Williams II, Stephen J. Pursel, Philip J. Caruso, and Robert G. Mastrofrancesco (“Defendants”) hereby move, pursuant to Fed. R. Civ. P. 12(b)(2), that this matter be dismissed on the ground that this Court lacks personal jurisdiction over said Defendants.

This action arises out of Defendants’ dissatisfaction with their at-will employment following the takeover of their former employer, a small, Connecticut-based company, by Plaintiff Consolidated Commercial Controls, Inc., a Chicago-based conglomerate, and Defendants’ perfectly legal decision to terminate said at-will employment and engage in business competitive with their former employer. Notwithstanding Plaintiff’s strong protestations otherwise, Defendants, who were under no post-employment restrictions regarding competition or solicitation of employees or customers, are within their legal rights to engage in their current endeavors. Further, contrary to Plaintiff’s representations to this Court in numerous pleadings, Defendants have and continue to expressly deny that they have misappropriated confidential or trade secret information from Plaintiff. This Court, however, should not address the parties’ underlying dispute in this regard, because this Court lacks personal jurisdiction over Defendants,

as set forth in their Memorandum of Law in Support of Defendants' Motion to Dismiss Due to Lack of Personal Jurisdiction, which is filed simultaneously herewith and incorporated herein by reference.¹

WHEREFORE, Defendants pray that this case be dismissed pursuant to Fed.R.Civ.P. 12 (b)(2) for lack of personal jurisdiction, and that this Court grant such other and further relief as the Court deems just and proper.

DEFENDANTS 5 STAR SUPPLY LLC, 5 STAR MANAGEMENT GROUP, LLC, LINDA A. WILLIAMS, CLIFFORD G. WILLIAMS, II, STEPHEN J. PURSEL, PHILIP J. CARUSO, and ROBERT G. MASTROFRANCESCO,

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¹ Via separate motion filed concurrently herewith, Defendants have moved that this matter be dismissed, pursuant to Fed. R. Civ. P. 12(b)(3), on the grounds that venue is improper in this District due to the failure to satisfy the requirements of 28 U.S.C. § 1391(b), and the pendency of a prior pending action in the United States District Court for the District of Connecticut, captioned *5 Star Supply LLC v. Consolidated Commercial Controls, Inc.*, Civil Action No. 3:08cv1100(JBA). Alternatively, Defendants have moved that this matter be transferred, pursuant to 28 U.S.C. §1404(a), to the United States District Court for the District of Connecticut, so that it may be consolidated with the prior pending action between the parties. .